

WATER PERMIT NO. 8379-3

Name of Applicant: **Bobcat Farms RE LLC**

Address: **PO Box 370, Pipestone MN** Phone: **507 825-4211**

Amount of Water Claimed: **0.1 cfs (62 AF)** Total Acres: **NA**

Source of Water Supply: **groundwater – one well**

Water to be used for: **commercial** County: **Brookings**

Type of Waste Disposal System:

Location: **12 miles northeast of Brookings**

PRIORITY Date Received: **11-1-18**

Application/License Fee: **\$ 300**

Corrected Application Received: **11-13-18**

Period of Annual Use: **January 1 – December 31**

Remarks: **Swine facility**

Diversion Point: **NW 1/4 NE 1/4 Sec 6-T110N-
R47W**

Facility Location: **N 1/2 NE 1/4 Sec 6-T110N-
R47W**

			⊗		
			6		

Depth of Well: **194 feet deep**

Well Driller: **Dave Putzke Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **11-13-18**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8379-3

Date of first receipt of application November 1, 2018.

Date of return to applicant for corrections, amendments or changes November 1, 2018.

Date of receipt of corrected application November 13, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8379-3 to Bobcat Farms RE LLC, c/o Barry Kerkaert, PO Box 370, Pipestone MN 56164 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8379-3 appropriates 62 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one well to be completed into the Big Sioux-Aurora Aquifer (194 feet deep) located in the NW 1/4 NE 1/4 Section 6 for commercial use at a swine production facility located in the N 1/2 NE 1/4 Section 6; all in T110N-R47W. This site is located approximately 6.5 miles northeast of Bushnell SD.
2. The water appropriated shall be used for the purpose of commercial and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8379-3 is January 28, 2019.
5. The date from which applicant may claim right is November 1, 2018.
6. One-fifth of the construction is to be completed on or before July 28, 2021.
7. All construction is to be completed on or before January 28, 2024.
8. Water is to be put to beneficial use on or before January 28, 2028.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

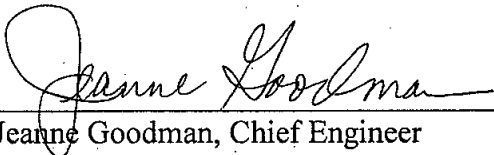
QUALIFICATIONS

1. The well approved under Water Permit No. 8379-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit No. 8379-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.

(continued)

3. Water Permit No. 8379-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a. Chapter 74:54:01 Ground Water Quality Standards,
 - b. Chapter 74:54:02 Ground Water Discharge Permit,
 - c. Chapter 74:51:01 Surface Water Quality Standards,
 - d. Chapter 74:51:02 Uses Assigned to Lakes,
 - e. Chapter 74:51:03 Uses Assigned to Streams, and
 - f. Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux:Aurora aquifer.
5. Water Permit No. 8379-3 authorizes a total annual diversion of 62.0 acre feet of water.

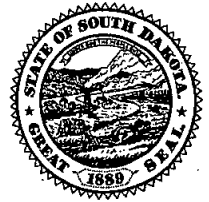
WATER MANAGEMENT BOARD

By: 

Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 19 2019

date



RECEIVED

NOV 01 2018

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8379-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Brookings Register</u>

Application For Permit To Appropriate Water Within The State Of South Dakota**Check use(s) of water:**

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application:
(check one)

☒ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
_____1. Name to Appear on Water Permit Bobcat Farms RE, LLCMailing Address 1300 South Highway 75, PO Box 370 Pipestone MN 56164
(Address) (City) (State) (Zip Code)Phone (507) 825-4211 Mobile _____ Email barry.kerkaert@pipeston.com2. Amount of water claimed 0.1 *CFS or 45 **GPM and 62 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply _____

4. Location of point of diversion 1 well in the NW 1/4 of the NE 1/4, Sec. 6, T110N, R47W County Brookings
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ NoIf "Yes," where will water be used? facility location: N 1/2 NE 1/4 Sec 6 - T110N-R47W
(example - NW1/4 section 12-T104N-R53W)5. County or counties where water will be used Brookings6. Annual period during which water is to be used January 1st thru December 31st

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Bobcat Farms RE, LLC is a proposed 7,728 head swine production facility. A rural water connection will be established at the facility, also.

I, Barry Kerkaert Barry Kerkaert, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

- a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Dave Putzke (#439)
(if yes, please provide copies of logs)
- b) If existing wells, how many Provide copy of log(s), if available. Drilled by

For either Existing or Proposed Wells:

- c) Well Depth (required) 194 Depth to Top of Water Bearing Material 180 Depth to Water from Surface 41
- d) Distance to nearest domestic well on applicant's property N/A Property owned by others ~3,000'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field)
- b) System Capacity (gallons) Year Constructed
- c) Connected to the City of Sanitary System

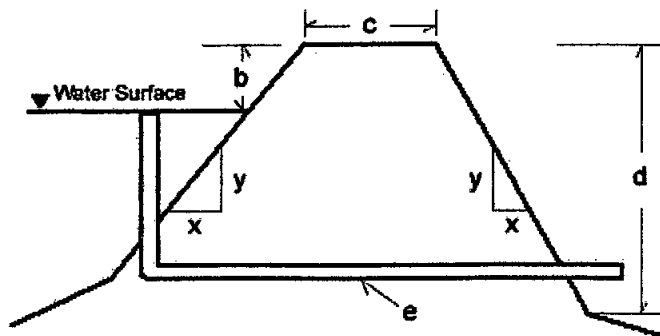
3. Dugout Information

- a) Surface Dimensions Depth
- b) Depth to water (ground surface to water level)

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard
- c) Crest Width
Crest Length
- d) Height
- e) Primary Outlet Capacity
If pipe, diameter
- f) Secondary Spillway Capacity
Spillway Width
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream
Downstream
- h) Surface Area of Impoundment
- i) Storage Acre Feet
- j) Drainage Area Above Dam Acres

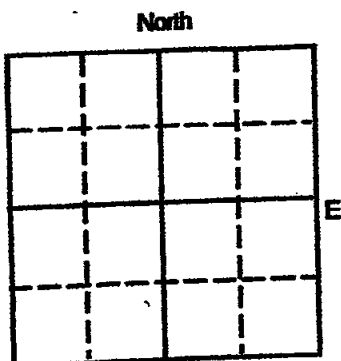
SOUTH DAKOTA WATER WELL COMPLETION REPORT

Bobcat
11-02

Location N 1/2 1/4 NE 1/4 Sec 6 Twp 110N Rng 17W

County Brookings

Please mark well location with an "X"



Well completion Date

10-9-18

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 200 ft. from Hog's (Identify source)

PROPOSED USE:

☒ Domestic/Stock
☐ Irrigation

☐ Municipal
☐ Industrial

☐ Business
☐ Institutional

☐ Test Holes
☐ Monitoring

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>194</u> FT	<u>8 3/4</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Most DP</u>	<u>17</u>	<u>175</u> Lb/gal	<u>0</u> R	<u>175</u> R
		Lb/gal	R	R

Describe grouting procedure Run 1" tri-axial line
Pump w/ Mout machine

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 5 inches Length 13 Feet

Material Plastic

Slot Size 1/2 Set From 181 Feet to 194 Feet

Other information Mauvel Pack w/ 2" Pack

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How?

5 gallons of Chlorine

☐ No, Why Not?

Pumped

Lab sample sent to for water quality analysis

Well Owner:

Business Name:

Pipestone System

Address:

P.O. Box 370

City, State, Zip:

Pipestone, MN 56164

WELL LOG:

FORMATION

DEPTH

FROM

TO

Top Soil

0

2

Yellow clay

2

33

Blue clay

33

180

Mauvel

180

194

Clay

194

STATIC WATER LEVEL

105 per drilled 12/12/18 FEET

If flowing: closed in pressure

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:

AIR

☐ Bailed

☐ Other

Pumping Level Below Land Surface

140 Ft. After 5 Hrs. pumped 60 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate:

GPM

REMARKS

This well was drilled under license #

439

And this report is true and accurate.

Drilling firm: Dave Putke Well Drilling & Repair Inc

Signature of License Representative:

Dave Putke

RECEIVED

Signature of Well Owner or Equitable Property Holder:

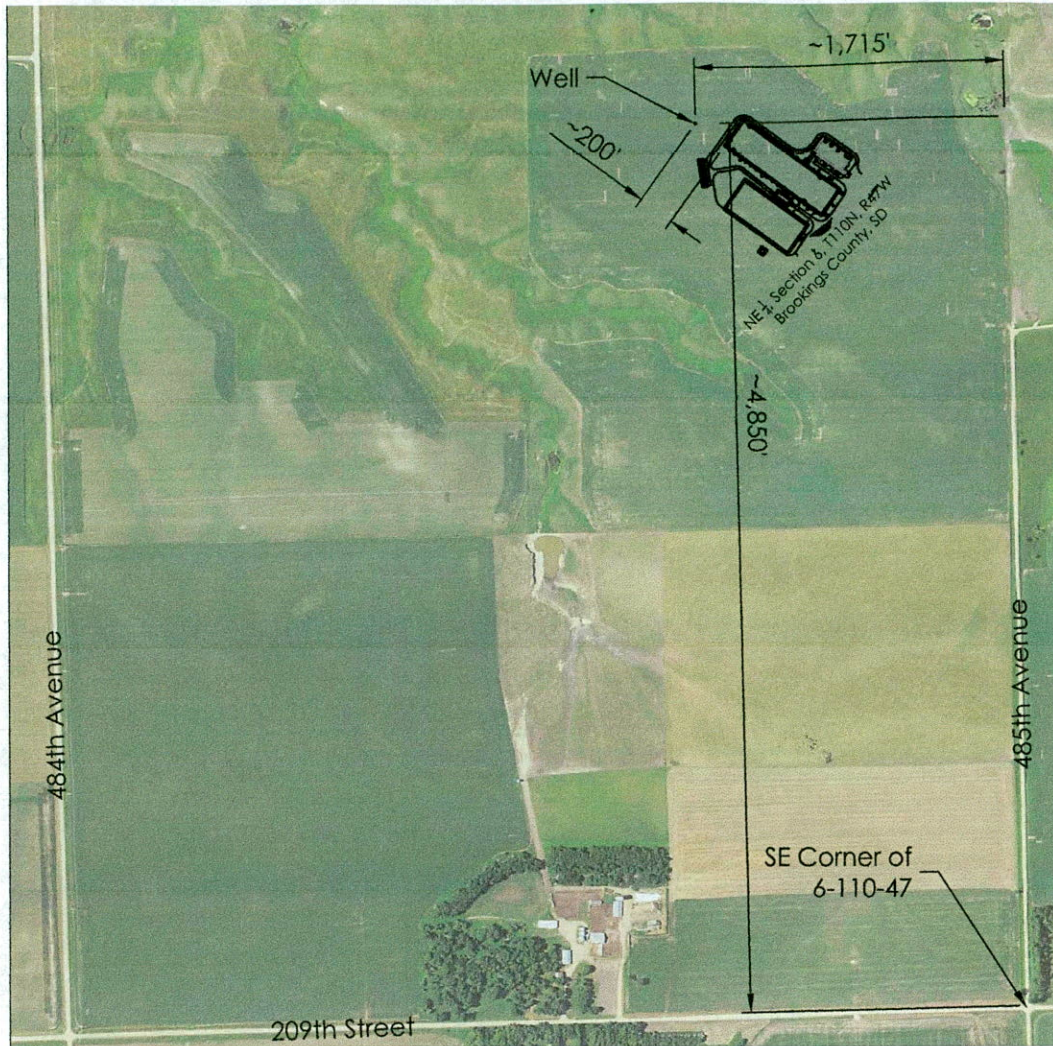
OCT 22 2018

Date:

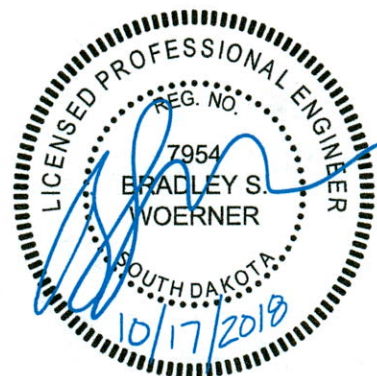
523 E Capitol Ave. Pierre SD 57501

WATER RIGHTS PROGRAM

Please return WHITE COPY to: DENR Water Rights



Scale
1 inch = 1,000 feet



STOCKWELL
STOCKWELL ENGINEERS, INC.
215 WALNUT ST.
YANKTON, SD 57078
PH: 605.665.8092
FAX: 605.665.0523

Bobcat Farms RE, LLC
1300 S Hwy 75 | Pipestone, MN 56164
Brookings County, SD

REVISION SCHEDULE
ISSUE/REVISION DATE

SEI PROJECT #: (#)

Water
Rights

6-110-47

State of South Dakota

Office of the Secretary of State

Certificate of Organization

Domestic Limited Liability Company

I, **Shantel Krebs**, Secretary of State of the State of South Dakota, hereby certify that the
ARTICLES OF ORGANIZATION for

Bobcat Farms RE, LLC

BUSINESS ID# DL145260

with an effective date of: March 13, 2018, duly signed and verified, SDCL 47-34A-203, 212
has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this
Certificate of Organization and attach hereto a duplicate of the ARTICLES OF
ORGANIZATION.



IN TESTIMONY WHEREOF, I have
hereunto set my hand and caused to be
affixed the Great Seal of the State of South
Dakota, in Pierre, the Capital City, this day,
March 13, 2018.

Shantel Krebs

Shantel Krebs
Secretary of State

03/13/2018 11:18 AM



DL145260

B0054-8992 03/13/2018 11:18AM Rec'd by SD SOS

South Dakota State Capitol
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

ARTICLES OF ORGANIZATION

DOMESTIC LIMITED LIABILITY COMPANY
SDCL 47-34A-203, 212

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$150

Total Fee: \$150

Article I

The name of the Company: **Bobcat Farms RE, LLC**

Article II

The address of the initial designated office in or out of the State of South Dakota where the company conducts its business:

Actual Street Address

**324 S SPLITROCK BLVD.
SUITE 205
BRANDON, SD 57005**

Mailing Address

**324 S SPLITROCK BLVD.
SUITE 205
BRANDON, SD 57005**

Article III

SDCL 59-11-6

The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **Luke William Minion**

Actual Street Address in this State

**324 S SPLITROCK BLVD
SUITE 205
BRANDON, SD 57005**

Mailing Address in this State

**324 S SPLITROCK BLVD
SUITE 205
BRANDON, SD 57005**

Article IV

The name and address of each organizer

Name

Address

Lora Hopp-Hansen

324 S Splitrock Blvd., Suite 205, Brandon, SD 57005

Article V

The duration of the company if other than perpetual is: **Perpetual**

If the document is not to be effective upon filing by the Secretary of State, the delayed effective date is: _____



B0054-8993 03/13/2018 11:18AM Rec'd by SD SOS

Article VI

☐ Member-Managed ☒ Manager-Managed

Name

Address

Barry Richard Kerkaert

324 S Splitrock Blvd., Suite 205, Brandon, SD 57005

Article VII

Whether one or more of the members of the company are to be liable for its debts and obligations as set forth under SDCL 47-34A-303(c).

☐ Yes

☒ No

Article VIII

Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

Signature/Authorization

The Articles of Organization must be executed by the organizers.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

Lora Hopp-Hansen

Lora Hopp-Hansen

Organizer

03/13/2018

PRINTED NAME

SIGNATURE

TITLE

DATED



SOUTH DAKOTA SECRETARY OF STATE SHANTELL KREBS



Business Services Online Search For A Business > Business Entity Detail

[Login](#)

(605) 773-4845

corpinfo@state.sd.us

[Contact us](#)

Business Entity Detail

Entity details cannot be edited. This detail reflects the current state of the filing in the system.

[Return to the Business Information Search.](#)

Available Actions for this Entity:

[File Annual Report \(after 12/31/2018\)](#) **Limited Liability Company - Domestic**

[Certificate of Good Standing](#) [Printer Friendly Version](#)

[File a Statement of Change](#)

[Certified Copies Request](#) **Business ID:**

Business ID:

DL145260

Name:

Name:

Bobcat Farms RE, LLC

Business Type:

Status:

Status:

Good Standing

Initial Filing Date:

Initial Filing Date:

03/13/2018

Formed in:

Formed in:

South Dakota

Term of Duration:

Term of Duration:

Perpetual

Next Annual Report Due Date:

Next Annual Report Due Date:

03/01/2019

Inactive Date:

Inactive Date:

Principal Office:

Principal Office:

324 S Splitrock Blvd. Suite 205
Brandon, SD 57005 USA

Mailing Address:

Mailing Address:

324 S Splitrock Blvd. Suite 205
Brandon, SD 57005 USA

Managed By:

Managed By:

Manager-Managed

Registered Agent

Agent Name:

Agent Name:

Luke William Minion

Agent Address:

Agent Physical Address:

324 S SPLITROCK BLVD
SUITE 205
BRANDON, SD 57005 USA

Agent Mailing Address:

Agent Mailing Address:

324 S SPLITROCK BLVD
SUITE 205
BRANDON, SD 57005

PLEASE NOTE: Some historical documents prior to 11/12/2016 may NOT be included in the document link.

Only Certified Copy Requests are guaranteed to show all documents on file.

History

Type	File Date	View All Document Links (Scroll Down)	Detail
Initial Filing	03/13/2018	B0054-8992	
Record Status Changed From: Pending To: Active			

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[Privacy Policy](#)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

November 1, 2018

Marty Rost
PO Box 188
Pipestone MN 56164

RE: Bobcat Farms RE LLC

Dear Mr. Rost:

We have received the *Application for a Permit to Appropriate Water* for Bobcat Farms RE LLC in Brookings County.

As stated in your phone conversation with Eric Gronlund, enclosed are the two checks totaling \$300.00 and the unsigned Receipt and Waiver of Mechanic's Lien Rights form.

Please resubmit the application/license filing fee for \$300.00.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **November 13**, 20 **18**

Bobcat Farms RE, LLC PO Box 370 Pipestone MN 56164

RECEIVED OF _____

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>8379-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8379-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law) TOTAL	300	00

No. **08804**

By

Jeanne Goodman
Chief Engineer
2411



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8379-3, Bobcat Farms RE LLC**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8379-3, Bobcat Farms RE LLC, c/o Dr. Barry Kerkaert, PO Box 370, Pipestone MN 56164.

The Chief Engineer is recommending APPROVAL of Application No. 8379-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and, 4) it is in the public interest with the following qualifications:

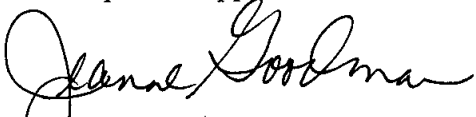
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 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

(continued)

Recommendation for Application No. 8379-3
Page 2

4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Altamont aquifer.
5. Water Permit No. 8379-3 authorizes a total annual diversion of 62.0 acre feet of water.

See report on application for additional information.



Jeanne Goodman, Chief Engineer
January 10, 2019

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8379-3
BOBCAT FARMS RE LLC
BARRY KERKAERT
JANUARY 09, 2018

Water Permit Application No. 8379-3 proposes to appropriate 62 acre-feet of water annually (ac-ft/yr) at a maximum instantaneous diversion rate of 0.10 cubic feet of water per second (cfs) from one well (194 feet deep) completed into the Aurora management unit of the Big Sioux aquifer for commercial use at a swine production facility. The well is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6-T110N-R47W and the swine production facility will be located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 6-T110N-R47W; all in Brookings County. The site is located approximately 6.5 miles northeast of Bushnell and 12 miles northeast of Brookings, SD.

AQUIFER: Big Sioux: Aurora (BS: A)

Aquifer Characteristics:

The Big Sioux aquifer is an outwash aquifer that consists primarily of silt, fine to coarse sand, and gravel that is mantled by alluvium and overlies relatively impermeable glacial till (Koch, 1980). Hedges and others (1982) estimated the Aurora management unit of the Big Sioux aquifer (Big Sioux: Aurora) underlies approximately 39,300 acres all in Brookings County. Buhler (2012) estimated the Big Sioux: Aurora aquifer to underlie approximately 83,000 acres of Brookings and Moody Counties, South Dakota, and Pipestone and Lincoln Counties, Minnesota. Farmer (2017) estimated the Big Sioux: Aurora aquifer underlies approximately 72,485 acres of Brookings and Moody Counties, South Dakota, and Pipestone and Lincoln Counties, Minnesota. The areal extent of the aquifer is likely in the range of Farmer's (2017) and Buhler's (2012) estimates. Hamilton's (1989) mapping of the Big Sioux aquifer in Brookings and Kingsbury Counties also included a few sections of the aquifer that are buried by glacial till, particularly in the northeastern extreme of the Big Sioux: Aurora aquifer where the well the applicant proposes to use is located. Farmer (2017) and Buhler (2012) do not include most of these buried areas in their mappings. However, lithologic evidence shows that at least one of these buried areas of the aquifer exist (Hamilton, 1989; SDGS, 2019; Water Rights, 2019c).

Hamilton's (1989) potentiometric surface map for the Big Sioux aquifer identifies an area near Elkton, SD, in the approximate center of T109N-R47W where groundwater north of that area flows to the west and groundwater south of the area flows to the southwest. This groundwater divide isolates the two portions of the Big Sioux: Aurora aquifer from each other essentially creating two sub-units (see Figure 1). Using Farmer's (2017) mapping of the aquifer, the northern sub-unit has an approximate areal extent of at least 54,245 acres and the southern sub-unit has an approximate areal extent of at least 18,240 acres. The well this application proposes to use is completed into the northern sub-unit of the Big Sioux: Aurora aquifer. The remainder of this report will address only the northern sub-unit of the Big Sioux: Aurora aquifer due to the hydrologic separation of the two sub-units.

The Big Sioux: Aurora aquifer is typically identified as an unconfined surficial aquifer (Hamilton, 1989). However, the well completion report submitted with this application indicates the aquifer is buried under 180 feet of glacial till with a static water level of 105 feet below ground surface in December 2018. The well is under confined conditions. The northeastern portions of the Big Sioux: Aurora aquifer can be found under confined conditions where the outwash that comprises the aquifer has been buried by glacial till near the edges of the aquifer. Overall, these confined areas comprise a very small portion of the areal extent of the Big Sioux: Aurora aquifer. Figure 1 shows the approximate areal extent of both of the Big Sioux: Aurora aquifer sub-units and the location of the well this application proposes to use.

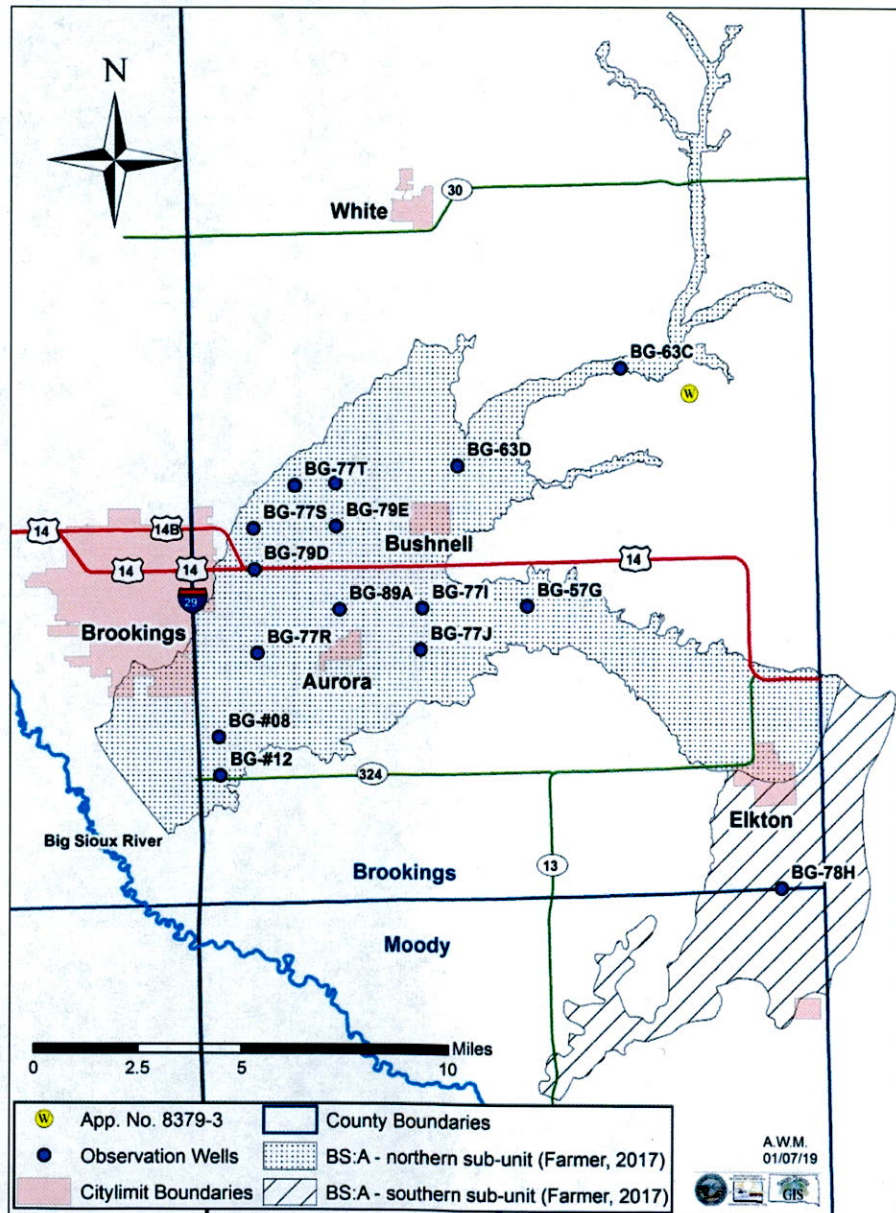


Figure 1- Map of the approximate areal extent of the sub-units of the Big Sioux: Aurora aquifer, the groundwater divide, and location of well to be used by Application No. 8379-3 (modified from: Farmer, 2017; Water Rights, 2019a)

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for this applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water from the Big Sioux: Aurora aquifer. The probability of unappropriated water available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not consider the recharge/withdrawal issue. The aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a water distribution system. Therefore, the recharge/withdrawal issue does need to be considered.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program monitors 15 observation wells completed into the Big Sioux: Aurora aquifer with 14 of those observation wells completed into the northern sub-unit of the aquifer (Water Rights, 2019a). The nearest observation well to the well this application proposes to use is BG-63C, approximately 1.8 miles northwest of the well site (Water Rights, 2019a) (see Figure 1). All of the other observation wells completed into the Big Sioux: Aurora aquifer are more than five miles away from the well site. The hydrograph for BG-63C is shown in Figure 2.

The hydrograph for observation well BG-63C is representative of the hydrographs for the other observation wells completed into the Big Sioux: Aurora aquifer. The amplitude of recorded water levels, difference between highest and lowest recorded water level, in these observation wells are less than 15 feet over the period of record for all of these observation wells and 10 feet or less for most of the observation wells (Water Rights, 2019a). Overall, the observation well hydrographs show that over the period of record water levels have remained fairly stable, rising during wetter periods and slowly declining during drier periods. This means recharge to and natural discharge from the aquifer significantly exceeds withdrawals. Recognizing that natural discharge from an aquifer can be captured for pumping, there is a reasonable probability unappropriated water is available for this proposed appropriation.

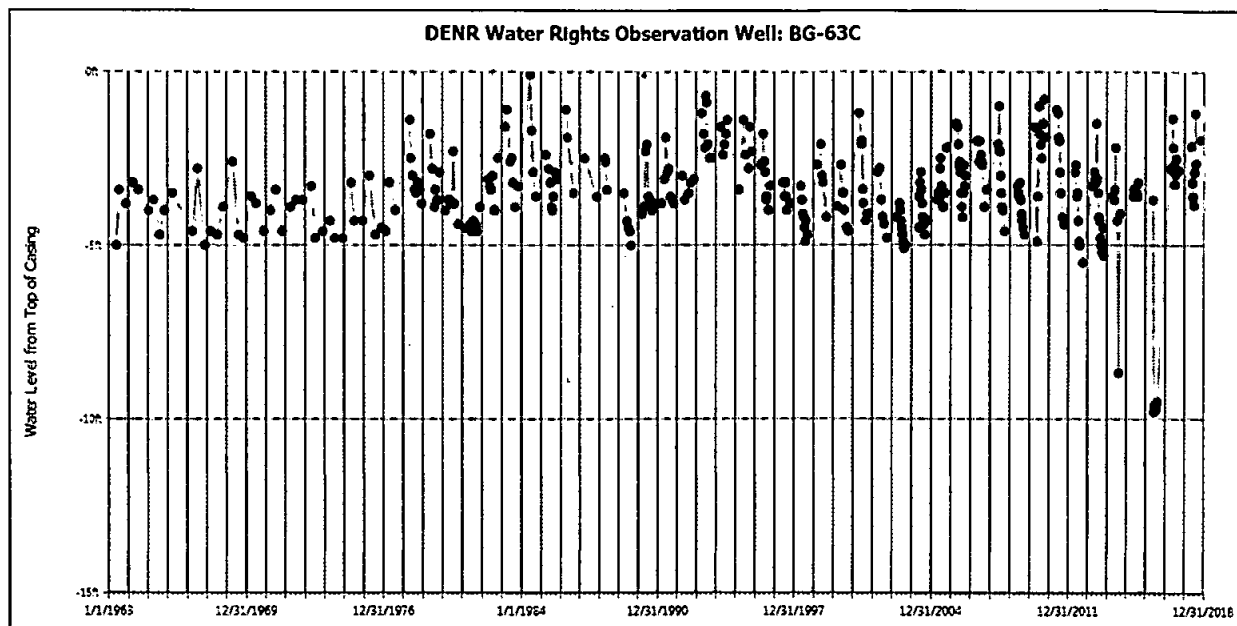


Figure 2- Hydrograph for observation well BG-63C (Water Rights, 2019a)

Hydrologic Budget:

Recharge:

The Big Sioux: Aurora aquifer is recharged through infiltration of precipitation and by seepage from surface water when the potentiometric surface of the aquifer is lower than the potentiometric surface of the surface water source (Hamilton, 1989). Hedges and others (1985) estimated an average annual recharge rate of 5.0 inches per year (in/yr) for the Big Sioux: Aurora aquifer using observation well analysis. This method represents both withdrawals from and recharge to the aquifer, since they occur simultaneously. This means the estimated recharge rate may be conservative. This method assumes a rise in water level of an aquifer is the product of recharge only and not of recharge in excess of withdrawals occurring at that time. Hedges and others (1985) also estimated a recharge rate of 3.6 in/yr using a "best fit" computer model for the combined management units of the entire Big Sioux aquifer in South Dakota.

Koch (1980) developed a finite-difference model for the entire Big Sioux aquifer in Brookings, Deuel, and Hamlin Counties. Koch's (1980) model used the permeability rates of the soils to estimate recharge rates. The unconfined portions of the aquifer, a vast majority of the area, had an estimated rate of 6.57 in/yr, and the confined portions had an estimated rate of 3.29 in/yr.

Applying Hedges and others' (1985) rate of 5.0 in/yr for the Big Sioux: Aurora aquifer to Farmer's (2017) estimated areal extent for the northern sub-unit of the Big Sioux: Aurora aquifer yields an estimated average annual recharge rate of 22,602 ac-ft/yr.

Withdrawals:

Discharge from the Big Sioux: Aurora aquifer occurs through evapotranspiration, discharge to surface waters when the potentiometric surface of the aquifer is above the potentiometric surface of the surface water, and well withdrawals. Currently, there are 44 irrigation water rights/permits and 13 non-irrigation water rights/permits appropriating water and one future use permit (Future Use Permit No. 1598-3) reserving water from the northern sub-unit of the Big Sioux: Aurora

aquifer (Water Rights, 2019b). The non-irrigation water rights/permits and the future use permit are listed in Table 1. Table 1 includes permitted annual volume, average annual reported pumpage, or estimated average annual pumpage based on diversion rate. Water rights/permits limited by annual volume are assumed to pump the maximum permitted volume or in the case of the future use permit it is assumed the total volume of the permit will be developed. Water rights/permits only limited by their diversion rate are assumed to pump at the maximum permitted diversion rate for 60 percent of the time. Where there is a sufficient period of record after initial development, at least five years, water rights/permits that are required to report their annual volume pumped are assumed to pump their average annual volume. The estimated average annual use from the northern sub-unit of the Big Sioux: Aurora aquifer is 6,870.1 ac-ft/yr.

Table 1-Non-irrigation water rights/permits with estimated average annual water use (Water Rights, 2019b)

PERMIT NO.	NAME	COUNTY	STATUS	USE	PERMITTED USE (AC-FT)	ESTIMATED ANNUAL USE (AC-FT)
1598-3	CITY OF BROOKINGS	BG	FU	MUN	2,426	2,426
1952-3	CITY OF AURORA	BG	LC	MUN		¹ 86.9
3979-3	CITY OF BROOKINGS	BG	LC	MUN		⁴ 0
4038-3	CITY OF ELKTON	BG	LC	MUN		³ 0
4980-3	BROOKINGS-DEUEL RWS	BG	LC	RWS		¹ 386.6
5433-3	BROOKINGS-DEUEL RWS	BG	LC	RWS		¹ 191.1
6048-3	CITY OF BROOKINGS	BG	LC	MUN	2,100	² 2,034.5
6325-3	VALERO RENEWABLE FUELS COMPANY LLC	BG	LC	IND	1,935	² 1,153.9
6437-3	CROSSWIND JERSEYS INC	BG	LC	COM		¹ 24.3
7167-3	BASIN ELECTRIC POWER COOPERATIVE	BG	LC	IND		¹ 17
7182-3	AGFIRST FARMERS COOPERATIVE	BG	LC	COM	10	10
7887-3	NOVITA AURORA LLC	BG	PE	IND		¹ 482.2
8146-3	BROOKINGS ECONOMIC DEV AG TECHNOLOGY CENTER	BG	PE	IND	48.4	48.4
8285-3	NORM'S GREENHOUSE & NURSERY LLC	BG	PE	COM	9.2	9.2
¹ =calculated assuming pumping 60% of time, ² = average reported annual pumpage, ³ = assumed to have minimal pumpage due to a municipal connection to rural water (Friedeman, 2019), ⁴ = accounted for by reported use under 6048-3					TOTAL	6,870.1

There are also domestic wells on file with the DENR-Water Rights Program for wells that appear to be completed into the Big Sioux: Aurora aquifer (Water Rights, 2019c). The relatively low diversion rate of domestic wells and the presence of rural water systems throughout the areal extent of the aquifer means the amount of water withdrawn by domestic users from the Big Sioux: Aurora aquifer is not a significant portion of the overall withdrawals from the aquifer.

The historic irrigation pumpage from the northern sub-unit of the Big Sioux: Aurora aquifer is shown in Figure 2. The average annual irrigation pumpage over the period of record from the northern sub-unit of the Big Sioux: Aurora aquifer is 2,339.8 ac-ft/yr. (Water Rights, 1979-2018).

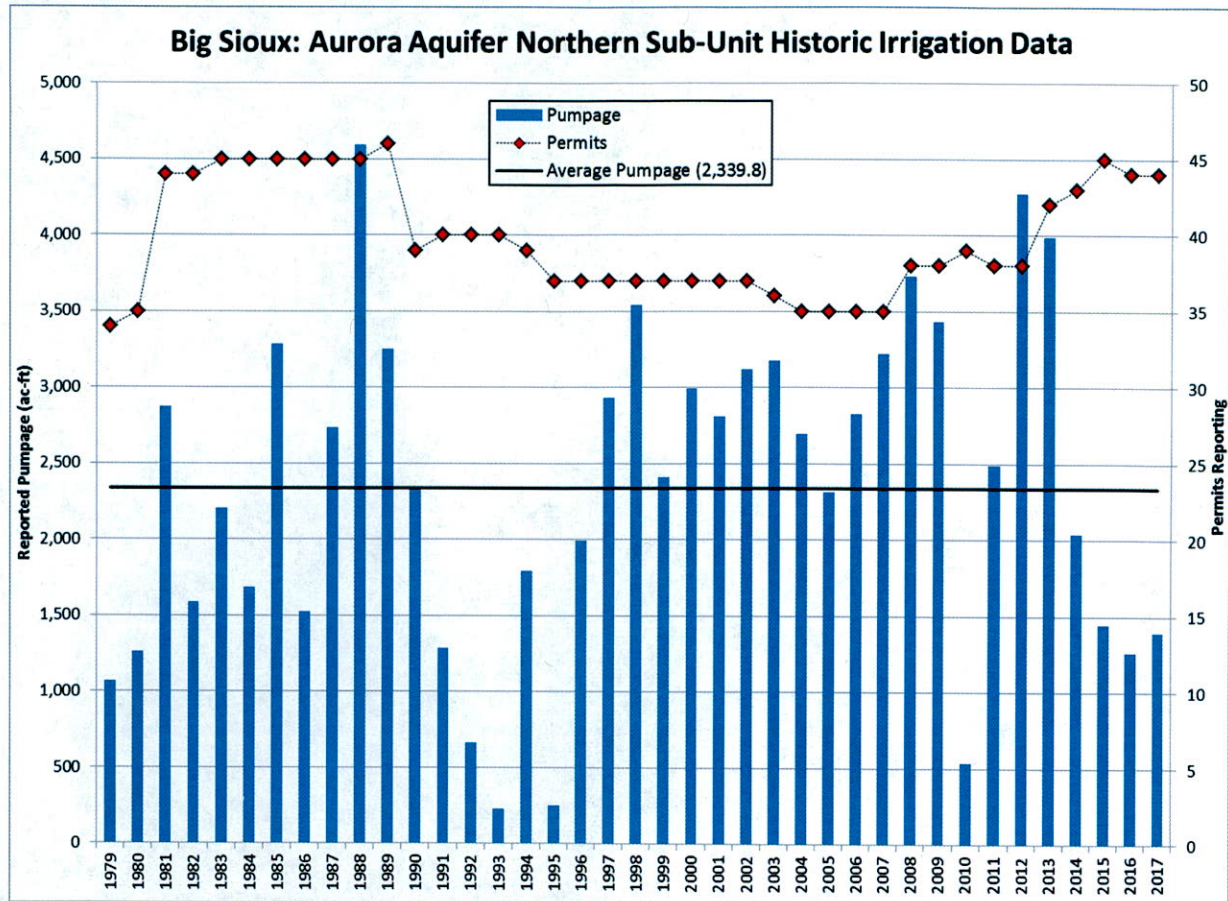


Figure 2- Big Sioux: Aurora aquifer northern sub-unit historic irrigation data (Water Rights, 1979-2018)

Hydrologic Budget:

The estimated average annual recharge to the northern sub-unit of the Big Sioux: Aurora aquifer is likely at least 22,602 ac-ft/yr. The estimated non-irrigation use plus future use reservation is 6,870.1 ac-ft/yr. The average annual irrigation pumpage is 2,339.8 ac-ft/yr. This application, if approved, will be limited to no more than 62 ac-ft/yr. That is an estimated average annual use of 9,241.9 ac-ft/yr. There is a reasonable probability that unappropriated water is available for this proposed appropriation. Furthermore, the hydrologic budget agrees with and is supported by analysis of the observation well data.

EXISTING WATER RIGHTS:

The nearest wells authorized by an appropriative right, Water Right No. 7167-3, to the well this application proposes to use are located approximately one mile northwest (see Figure 3). There are also a number of domestic wells on file with the DENR-Water Rights Program that appear to

be completed into the Big Sioux: Aurora aquifer in the area of this application. Figure 3 is a map of the project area including water rights and observation wells completed into the Big Sioux: Aurora aquifer.

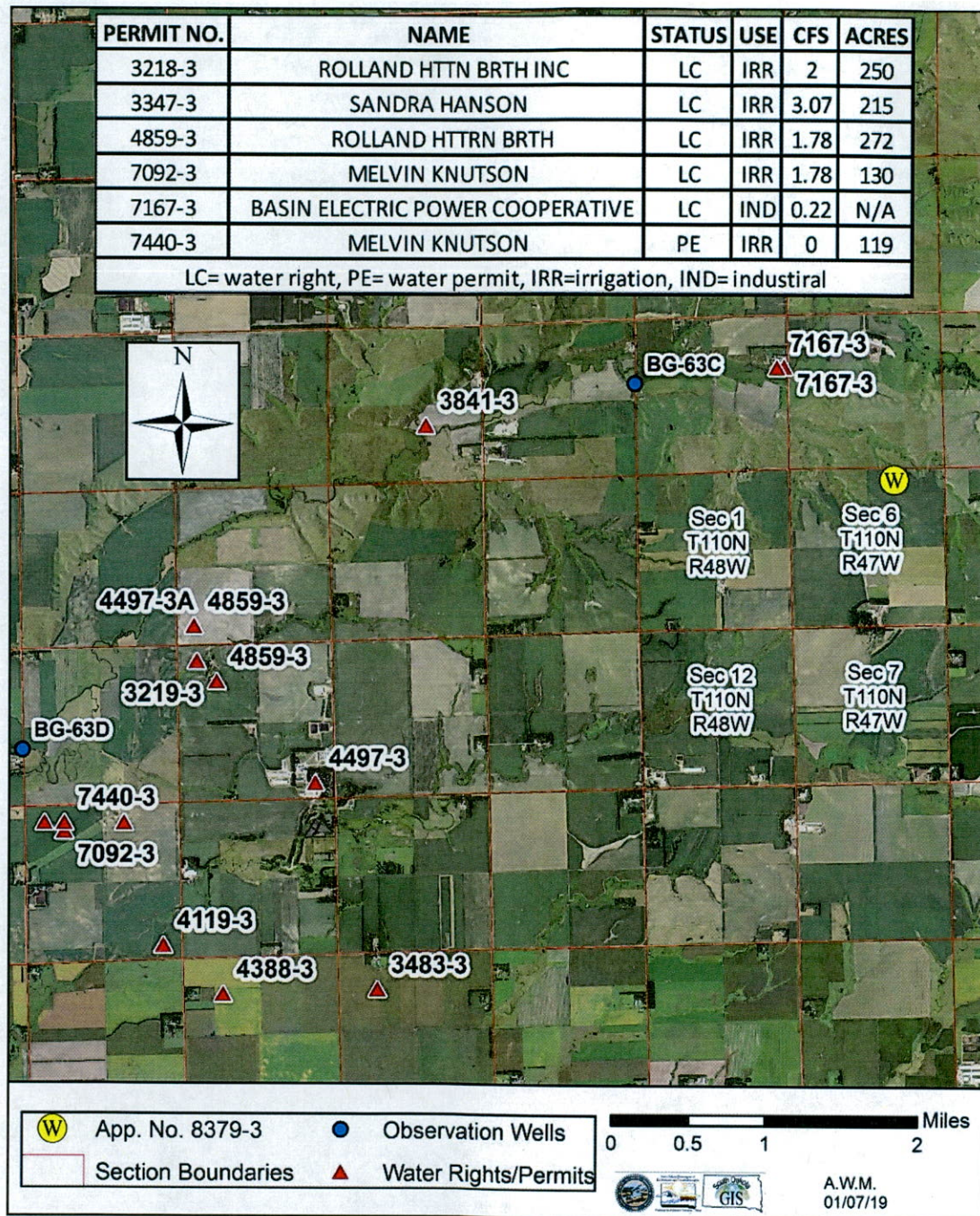


Figure 3- Map of the project area including Big Sioux: Aurora aquifer water rights/permits and observation wells (Water Rights, 2019b and 2019c)

The 0.1 cfs, 45 gpm, diversion rate requested by this application is 2.5 times larger than the reasonable domestic use diversion rate, 18 gpm. This diversion rate is smaller than most appropriative diversion rates and one-half of the nearest appropriative diversion rate. At the

distance to the nearest appropriative well, pumping at the proposed diversion rate is not expected to adversely impact existing appropriative users. However, the well the applicant proposes to use is under confined conditions. This means that drawdown can extend some distance from the well. The aquifer transitions from confined to unconfined approximately 0.75 miles northwest of the well site. Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer. The change from confined to unconfined will limit the impacts of withdrawals on the nearby appropriative wells and any nearby adequate domestic wells.

In the past, the Water Management Board has recognized to place water to maximum beneficial use, a certain amount of drawdown may occur. Since the aquifer is under confined conditions at the well site, drawdown due to pumping may extend some distance from the well site even though it is not expected to do so. The Water Management Board has promulgated rules that allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs”.

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use of water issue for Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Water Management Board adopted Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered an adverse impact it would also be in conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to lower their pumps to accommodate for deeper water levels depending on the specific characteristics of the Big Sioux: Aurora aquifer at their location particularly if it is in a confined area of the aquifer near the well this application proposes to use. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rule (ARSD 74:02:04:20(7)), the limited diversion rate proposed by this application, and that within 0.75 miles of the well this application proposes to use the Big Sioux: Aurora aquifer is under unconfined conditions, any well interference created by pumping this proposed diversion is not expected to cause an adverse impact. Therefore, there is a reasonable probability that any interference created by pumping for this proposed appropriation will not be adverse.

CONCLUSIONS:

1. Application No. 8379-3 proposes to appropriate 62 ac-ft/yr. at a maximum instantaneous diversion rate of 0.10 cfs from one well completed into the Big Sioux: Aurora aquifer for commercial use in a swine production facility.

2. Based on the observation well data and hydrologic budget, there is a reasonable probability unappropriated water is available for this proposed appropriation.
3. There is a reasonable probability the appropriation proposed by this application can be made without adversely impacting existing appropriative or domestic users.



Adam Mathiowetz, PE
SD DENR-Water Rights Program

REFERENCES:

- Buhler, K.A. 2012. Report to the Chief Engineer on Water Permit Application No. 7392-3 and Future Use Permit Application No. 7393-3 Lincoln Pipestone Rural Water. Water Permit File No. 7392-3. SD DENR-Water Rights Program. Pierre, SD.
- Farmer, J. 2017. Report to the Chief Engineer Water Permit Application No. 8285-3 Norm's Greenhouse. Water Permit File No. 8285-3. SD DENR-Water Rights Program. Pierre, South Dakota.
- Hamilton, L.J. 1989. Water Resources of Brookings and Kingsbury Counties, South Dakota. Water-Resources Investigations Report 88-4185. USGS. Huron, SD.
- Hedges, L.S., Allen, J., Holly D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Friedeman, B. 2018. Personal Communication. DENR-Drinking Water Program: Environmental Scientist. January 7, 2019
- Koch, N.C. 1980. Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, South Dakota. Water-Resources Investigations Report 80-100. USGS. Huron, SD.
- SDGS. Lithologic Logs Database Search. <<http://cf.sddenr.net/lithdb/>>. Accessed: Jan. 7, 2019.
- Water Rights. 1979-2018. "1979-2017 Irrigation Questionnaires": SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

Water Rights. 2019a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2019b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2019c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 1995. Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills. DENR-Water Rights Program file for Water Right No. 2313-2. Pierre, South Dakota.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 09, 2019 4:30 PM
To: Marty Rost (mrost@pipevet.com)
Subject: 8379-3, Bobcat Farms RE LLC
Attachments: 8379-3.pdf

Marty,

Attached is the information regarding the public notice, report and chief engineer recommendation for Water Permit No. 8379-3, Bobcat Farms RE LLC located in the Brookings County. Please be aware that someone needs to contact the paper to authorize publication and arrange for payment.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



RECEIVED

FEB 07 2019

WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

ss

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

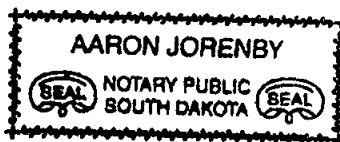
Leg#643 Notice of Application

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

January 17, 2019

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Twenty-Six Dollars and Twelve Cents \$26.12



KmFoiles

18 day of

January

2019

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2020.

Legal 643, 1x, 1/17
NOTICE OF APPLICATION NO. 8379-3 to

Appropriate Water Notice is given that Bobcat Farms RE LLC, Barry Kerkaert, PO Box 370, Pipestone MN 56164 has filed an application for a water permit to appropriate 62 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one well to be completed into the Big Sioux-Aurora Aquifer (194 feet deep) located in the NW 1/4 NE 1/4 Section 6 for commercial use at a swine production facility located in the N 1/2 NE 1/4 Section 6; all in T110N-R47W. This site is located approximately 6.5 miles northeast of Bushnell SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8379-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below. Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 28, 2019.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$26.12.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

January 10, 2019

Bobcat Farms RE LLC
c/o Barry Kerkaert
PO Box 370
Pipestone MN 56164

Dear Mr. Kerkaert:

Water Permit Application No. 8379-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Brookings Register printed at Brookings SD (Ph # 605 692-6271). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 8379-3 to Appropriate Water

Notice is given that Bobcat Farms RE LLC, Barry Kerkaert, PO Box 370, Pipestone MN 56164 has filed an application for a water permit to appropriate 62 acre-feet of water annually at a maximum pump rate of 0.10 cubic feet of water per second from one well to be completed into the Big Sioux:Aurora Aquifer (194 feet deep) located in the NW 1/4 NE 1/4 Section 6 for commercial use at a swine production facility located in the N 1/2 NE 1/4 Section 6; all in T110N-R47W. This site is located approximately 6.5 miles northeast of Bushnell SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8379-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 28, 2019.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 09, 2019 4:13 PM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: 8379-3, Bobcat Farms RE LLC
Attachments: 8379-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on January 17, 2019.

Bobcat Farms RE LLC, c/o Barry Kerkaert, PO Box 370, Pipestone MN 56164 (507 825-4211) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, February 19, 2019 12:36 PM
To: Marty Rost (mrost@pipevet.com)
Subject: 8379-3, Bobcat Farms
Attachments: 8379-3.pdf

Attached is a copy of Water Permit No. 8379-3, Bobcat Farms RE LLC.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

FEB 19 2019

Bobcat Farms RE LLC
c/o Barry Kerkaert
PO Box 370
Pipestone MN 56164

Dear Mr. Kerkaert:

Enclosed is Water Permit No. 8379-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8379-3

I have this day, July 13, 2023, made a thorough examination of the water use system constructed by Bobcat Farms RE LLC, PO Box 370, Pipestone, MN 56164 of Permit No. 8379-3, bearing the priority of November 1, 2018 authorizing the diversion of 0.10 cu. ft. per second of the waters of the Big Sioux:Aurora Aquifer for commercial use (swine) purposes, in Brookings County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Putzke Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 194 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 inches
- 2) Length 194 feet
- 3) Type Plastic

Screen:

- 1) Type Plastic
- 2) Length 13 feet
- 3) Static water level 105 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 45 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating Unknown hp

B. Works used to transport water to place of use:

- 1) Type Unknown
- 2) Size Unknown inches
- 3) Length Unknown feet

Comments: **xx**

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**
- 2) Exceptions to compliance are: **None**

E. Condition and Location:

1. The system is in **good** condition with the point(s) of diversion located as follows: **WELL LOCATION From the NW corner Sec 6 T110N R47W, 3640 ft E & 530 ft S, Lat 44.36819 Long -96.51282 (NW ¼ NE ¼).**
2. The works are capable of diverting and conveying to the place of use **0.10** cu. ft. per second of water the license should be issued for **0.10** cfs.
3. All structures, wells and lands on map **Y**

F. Comments or other permit(s) associated with the project:

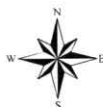
The pump rate as reported by Marty Rost, project contact person, (507/215-0482 cell) was used to establish the system flow capacity.

The mailing address and the telephone number in the permit materials are current.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **July 20, 2023**



0 0.1 0.2 0.4 0.6 0.8 Miles





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JUL 25 2023

Bobcat Farms RE LLC
c/o Barry Kerkaert
PO Box 370
Pipestone MN 56164

8379-3

Dear Mr. Kerkaert:

Enclosed is Water License No. 8379-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8379-3

(1) Bobcat Farms RE LLC; PO Box 370, Pipestone MN 56164, made Application No. 8379-3, November 1, 2018, for a water permit to appropriate 62 acre feet (ac-ft) of water annually, at a maximum rate of 0.10 cubic feet of water per second (cfs) from groundwater, one well (Big Sioux: Aurora Aquifer), Brookings County, South Dakota for commercial swine production purposes. Permit No. 8379-3, with a priority date of November 1, 2018, was approved January 28, 2019, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 28, 2024, and for the application to beneficial use of water on or before January 28, 2028.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 3,640 ft E & 530 ft S of the NW corner of Section 6, T110N, R47W (NW ¼ NE ¼)
(Latitude 44.36819 Longitude -96.51282)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a commercial swine production facility.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Bobcat Farms RE LLC, the holder and/or owner of Water Right No. 8379-3 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from groundwater, one well (Big Sioux: Aurora Aquifer), with a priority date of November 1, 2018, from the location specified in (2) of this license for commercial swine production purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8379-3 and subject to the following qualifications:

1. The well approved under Water Permit No. 8379-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Water Right shall control their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Right No. 8379-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 36A-2-36.2 or 36A-2-124 for concentrated animal feeding operations.
3. Water Right No. 8379-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards
 - b) Chapter 74:54:02 Ground Water Discharge Permit
 - c) Chapter 74:51:01 Surface Water Quality Standards
 - d) Chapter 74:51:02 Uses Assigned to Lakes
 - e) Chapter 74:51:03 Uses Assigned to Streams
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

continued

4. The Water Right holder shall report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux: Aurora Aquifer.
5. Water Right No. 8379-3 authorizes a total annual diversion of 62.0 acre feet of water.

Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUL 25 2023
date

